IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7593 OF 2005

Sau.Ratna Sampat Thete .. Petitioner

Vs.

Shamrao Karbhari Borade and Ors. ..Respondents

Mr.R.D.Deshmukh for the petitioner

Mr.M.M.Sathye for the respondents

CORAM : S.U.KAMDAR, J
DATED : 2ND DECEMBER, 2005

P.C.:

1. The present petition challenges the order passed by the Addl.District Judge, Nashik in Misc.Appeal No.123 of 2004. By the said order, the appeal of the petitioner refusing to grant interim orders by the trial court has been dismissed. Both the trial court and the appellate court has given a concurrent finding that the petitioner is not in possession of the suit property but it is respondent who is in possession as he has purchased the property and paid full price thereof.

2. The trial court and appellate court both

have considered the material and evidence produced before them. I am not inclined to re-appreciate the said evidence and came to a different finding under Article 227 of the Constitution of India. Petition disposed of accordingly. No order as to costs.